

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

ERIC DEWAYNE PHILLIPS,

Petitioner,

VS.

ASHLEY PAULK,

Respondent.

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NO. 7:23-CV-00101-WLS-TQL

ORDER

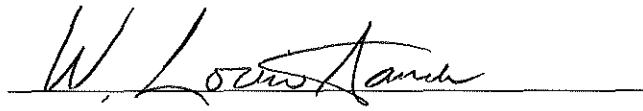
Pro se Petitioner Eric Dewayne Phillips, an inmate at the Lowndes County Jail in Valdosta, Georgia filed a petition for federal habeas corpus relief. ECF No. 1. He did not pay the filing fee or file a motion to proceed *in forma pauperis*. On September 19, 2023, Petitioner was ordered to pay the filing fee or, if indigent, file a motion to proceed *in forma pauperis*. ECF No. 3. Petitioner was further ordered to amend his petition and provided instructions on how to do so. *Id.* Petitioner was given fourteen (14) days to respond and was informed that failure to comply with an order of the Court could result in dismissal of his action. *Id.* Petitioner failed to respond.

Therefore, on October 10, 2023, the Court notified Petitioner that it had not received a response and ordered him to show cause why his action should not be dismissed for failure to comply and diligently prosecute his claims. ECF No. 4. The Court unambiguously informed Petitioner that his action would be dismissed if he failed to respond. *Id.* Petitioner was given fourteen (14) days to respond and he failed to do so.

Additionally, mail sent to Petitioner at the Lowndes County Jail has been returned to the Court with notations indicating that the Petitioner may no longer be incarcerated at that facility. ECF No. 5. The Petitioner has not otherwise notified the Court of his current address.

Due to Petitioner's failure to follow the Court's Orders, failure to keep the Court informed of his address, and failure to prosecute this action, the case is hereby **DISMISSED WITHOUT PREJUDICE**. Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (citing Fed. R. Civ. P. 41(b) and *Lopez v. Aransas Cty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)) ("The court may dismiss an action sua sponte under Rule 41(b) for failure to prosecute or failure to obey a court order.").

SO ORDERED, this 31st day of October, 2023.


W. LOUIS SANDS, JUDGE
UNITED STATES DISTRICT COURT